

Introduced by Senator Bowen

January 25, 2005

An act to add Article 4 (commencing with Section 11920) to Chapter 4 of Division 5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 114, as introduced, Bowen. Vehicles: safety-related recalls: procedure.

(1) Existing law authorizes the State Air Resources Board to require a vehicle manufacturer to recall a motor vehicle engine that does not meet certain emissions standards. The recall is required to include owner notification of the recall and repair or replacement of defective components.

Existing federal law requires a motor vehicle manufacturer to notify the owner or purchaser of a motor vehicle when the manufacturer determines that the vehicle contains a safety-related defect or when the manufacturer is ordered by the federal Secretary of Transportation to notify vehicle owners and purchasers that a vehicle has a safety-related defect.

This bill, in addition to any requirement imposed under federal law, would require a manufacturer that is required to provide a notification of a safety-related vehicle recall to vehicle owners and purchasers under federal law, as specified above, to access the vehicle registration records of the Department of Motor Vehicles, or similar records obtainable from a commercial source, to compile a list that includes the registration number and vehicle identification number of each vehicle that is subject to the recall and provide the department with that list and certain other information pertinent to the vehicle recall. Because a violation of this requirement would be an infraction under

other provisions of existing law, the bill would establish a state-mandated local program by creating a new crime.

The bill would require the department, when it provides a notice of registration renewal for a vehicle that is included on the list specified above, to also notify the registered owner that the vehicle is the subject of a manufacturer's safety-related recall and also provide the vehicle recall information specified above.

The bill would require the department to collaborate with motor vehicle manufacturers to efficiently administer these provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 11920) is added to Chapter 4 of Division 5 of the Vehicle Code, to read:

Article 4. Manufacturer Safety-Related Vehicle Recall

11920. (a) In addition to any requirement imposed under federal law, a manufacturer that is required to provide a notification of a safety-related vehicle recall to vehicle owners and purchasers under Section 30118 or 30121 of Title 49 of the United States Code shall do all of the following not more than 90 days after first being required to provide the notification:

(1) Access the department's vehicle registration records, or similar records obtainable from a commercial source, to compile a list that includes the registration number and vehicle identification number of each vehicle that is subject to the recall.

(2) Provide the department with all of the following:

(A) The list compiled under paragraph (1).

(B) A clear description of the defect or condition that necessitates the recall, including, but not limited to, a description of the malfunction that may occur as a result of the defect or

1 condition and an evaluation of the risk to vehicle safety
2 reasonably related to the defect or condition.

3 (C) A statement of the measures to be taken to remedy the
4 defect or condition, including, but not limited to, the location
5 where any necessary repair, modification, adjustment, alteration,
6 or parts replacement may be completed.

7 (b) When the department provides a notice of registration
8 renewal under Section 1661 for a vehicle that is included on the
9 list provided to the department under subparagraph (A) of
10 paragraph (2) of subdivision (a), the department shall also notify
11 the registered owner that the vehicle is the subject of a
12 manufacturer's safety-related recall and shall provide the
13 information described in subparagraphs (B) and (C) of paragraph
14 (2) of subdivision (a).

15 (c) The department shall collaborate with motor vehicle
16 manufacturers to efficiently administer this section.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the
22 penalty for a crime or infraction, within the meaning of Section
23 17556 of the Government Code, or changes the definition of a
24 crime within the meaning of Section 6 of Article XIII B of the
25 California Constitution.